

71 Md. 611; *Hardesty v. Hardesty*, 77 Md. 189; *Warfield v. Owens*, 4 Gill, 383; *Baltzell v. Foss*, 1 H. & G. 506; *Wyse v. Smith*, 4 G. & J. 302 (overruling *Tessier v. Wyse*, 3 Bl. 28); *Griffith v. Frederick Bank*, 6 G. & J. 445; *Bank of United States v. Ritchie*, 8 Pet. 143.

It is not necessary that a creditor's bill under this section should provide for the coming in of other creditors. Unnecessary allegations and procedure. Bill held sufficient. Contribution and substitution. *Gibson v. McCormick*, 10 G. & J. 65. And see *Robertson v. Parks*, 3 Md. Ch. 69; *Ridgely v. Bond*, 18 Md. 450.

The executor of the debtor should be made a party defendant to a creditor's bill under this section. *David v. Grahame*, 2 H. & G. 97; *Tyler v. Bowie*, 4 H. & J. 333.

This section does not entitle a general unsecured creditor of a deceased mortgagor to redeem the mortgage and be subrogated to the rights of the mortgagee. *Quasi lien* arising out of this section. *McNiece v. Eliason*, 78 Md. 176.

By bill of revivor after a decree for an account, a widow and heirs of a deceased defendant may be made parties, and by an allegation of the insufficiency of the personal estate to pay debts, the bill may be given the attributes of a creditor's bill under this section. *Glenn v. Smith*, 17 Md. 282.

A decree for sale under this section, establishes the debt and the insufficiency of the personal estate. *Griffith v. Reizart*, 6 Gill, 453; *Post v. Mackall*, 3 Bl. 486.

The rents and profits of lands in the hands of the heir, may also be subjected to the intestate's debts. *Scott v. Scott*, 17 Md. 91.

This section places infants and adults on the same basis, and hence, an infant reaching his majority after a decree is passed, cannot then object. *Tessier v. Wyse*, 3 Bl. 62. And see *Campbell's Case*, 2 Bl. 224; *Watkins v. Worthington*, 2 Bl. 521; *Hammond v. Hammond*, 2 Bl. 352.

The proceeding against the administrator relative to the personal property, and that against the heir relative to the real estate, are entirely independent of each other. The demand against the heir must be proved as though there had been no prior proceeding against the administrator. Statute of limitations. *Ingle v. Jones*, 9 Wall. 495; *White v. Miller*, 158 U. S. 144.

The act of 1785, ch. 72, was an enlargement of the jurisdiction of chancery. A disposition by a testator of his personal property to purposes other than the payment of his debts, with the assent of his creditors, is in itself a charge on the real estate, subjecting it to the payment of debts. *Bank of United States v. Beverly*, 1 How. 150; *Bank of United States v. Ritchie*, 8 Pet. 143.

For a case involving how the question of the insufficiency of the personal assets should be raised and determined, the effect of a decree for sale, and how creditors should come into the proceeding, see *Hammond v. Hammond*, 2 Bl. 306. And see *Arthur v. The Attorney-General*, 2 Bl. 245. (See also section 219.)

Where land is sold under this section, the mutation from realty to personalty does not take place until the sale has been ratified and the purchaser has complied with its terms. *Betts v. Wirt*, 3 Md. Ch. 116.

Creditors may come into proceedings for partition of land under section 137. *Latimer v. Hanson*, 1 Bl. 51. And see *Hammond v. Hammond*, 2 Bl. 346.

In the light of this section, words in a will declaring that debts are to be paid before devises, etc., held immaterial. *White v. Kauffman*, 66 Md. 92; *Piper v. Tuck*, 26 Md. 220; *Cornish v. Willson*, 6 Gill, 300.

How the claims against the decedent's estate must be established under this section. *Strike's Case*, 1 Bl. 94; *Strike v. McDonald*, 2 H. & G. 237; *Bank of United States v. Ritchie*, 8 Pet. 143. (See also section 219.)

The act of 1833, ch. 150, section 1, abrogated so much of the act of 1785, ch. 72, section 6 (see section 115), as required the court to be satisfied that the sale would be advantageous to the lunatic. *Hamilton v. Traber*, 78 Md. 32.

For a case involving various errors in a proceeding under the act of 1785, ch. 72, for a sale of a decedent's lands in which infants had interests, see *Bank of United States v. Ritchie*, 8 Pet. 128.

For a case involving the act of 1794, ch. 60, see *Matthews v. Ward*, 10 G. & J. 451.